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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,830	08/31/2001	Hisashi Takayama	TAKAYAMA 4	9491
1444 7590 08/09/2007 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			EXAMINER GRAHAM, CLEMENT B	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 08/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/831,830

Applicant(s)

TAKAYAMA ET AL.

Examiner

Clement B. Graham

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-35 has been cancelled and claims 36-57 has been added.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 36-57, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. However these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 36-57, are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumoto et al (Hereinafter Matsumoto U.S 6, 345, 263.

As per claim 36, Matsumoto discloses an electronic wallet having means for storing and managing electronic value for processing a transaction settlement; said electronic value comprises:

a security information including a private key specific to an electronic value and a certificate of a public key corresponding to the private key.(see column 1 lines 1-67 and

column 2 lines 1-44 and column 3-7 lines 1-67 and column 8 lines 1-57) and a value property descriptor for defining a property of the electronic value including a variable information that is updated by a transaction settlement processing and a fixed information that is not changed by a transaction settlement processing; wherein, said electronic value is an electronic information for processing the transaction settlement, and an electronic signature signed by said private key is added to said variable information.(see column 1 lines 1-67 and column 2 lines 1-44 and column 3-7 lines 1-67 and column 8 lines 1-57).

As per claim 37, Matsumoto discloses wherein an electronic signature signed by the issuer of said electronic value is added to said fixed information. .(see column 1 lines 1-67 and column 2 lines 1-44 and column 3-7 lines 1-67 and column 8 lines 1-57).

As per claim 38, Matsumoto discloses wherein the electronic value further comprises a representation control including a representation control information defining display of the electronic value, and the electronic wallet generates a representation data of the electronic value by using said fixed information, said variable information and said representation control information. .(see column 1 lines 1-67 and column 2 lines 1-44 and column 3-7 lines 1-67 and column 8 lines 1-57).

As per claim 39, Matsumoto discloses wherein said representation control includes an identifier information of said representation control information which make it possible to obtain the representation control information through a network, and a signature signed by the issuer of the electronic value is added to the identifier information of said representation control information. .(see column 1 lines 1-67 and column 2 lines 1-44 and column 3-7 lines 1-67 and column 8 lines 1-57).

As per claim 40, Matsumoto discloses wherein the electronic value further comprises a representation resource including multimedia data used for representing said electronic value. .(see column 1 lines 1-67 and column 2 lines 1-44 and column 3-7 lines 1-67 and column 8 lines 1-57).

As per claim 41, Matsumoto discloses wherein the representation resource includes an identifier information of said multimedia data which makes it possible to obtain the multimedia data through a network, and a signature signed by the issuer of the

electronic value is added to the identifier information of said representation resource.
.(see column 1 lines 1-67 and column 2 lines 1-44 and column 3-7 lines 1-67 and column 8 lines 1-57).

As per claim 42, Matsumoto discloses wherein the security information includes an authentication key for authenticating a service terminal of the other party for processing a transaction settlement, and a mutual authentication is performed with the service terminal by using said private key, said certificate and said authentication key..(see column 1 lines 1-67 and column 2 lines 1-44 and column 3-7 lines 1-67 and column 8 lines 1-57).

As per claim 43, Matsumoto discloses wherein the electronic value further comprises a service control including at least one of service control module defining the transaction settlement;

a service control message based on the service control module is embedded into the data transmitted to a service terminal of the other party for processing a transaction settlement; and

the service control message embedded in the data received from the terminal of the other party for processing a transaction settlement is processed by the service control module. .(see column 1 lines 1-67 and column 2 lines 1-44 and column 3-7 lines 1-67 and column 8 lines 1-57).

As per claim 44, Matsumoto discloses wherein the electronic value further comprises a service control including at least one of service control module defining the transaction settlement;

a service control message based on the service control module is embedded into the data transmitted to a service terminal of the other party for processing a transaction settlement when the mutual authentication is performed with the service terminal .(see column 1 lines 1-67 and column 2 lines 1-44 and column 3-7 lines 1-67 and column 8 lines 1-57) and the service control message embedded in the data received from the terminal of the other party for processing a transaction settlement is processed by the service control module when the mutual authentication is performed with the service terminal. .(see column 1 lines 1-67 and column 2 lines 1-44 and column 3-7 lines 1-67

and column 8 lines 1-57).

As per claim 45, Matsumoto discloses wherein said service control module updates said variable information based on the service control message embedded in the data received at the time of transaction settlement. (see column 1 lines 1-67 and column 2 lines 1-44 and column 3-7 lines 1-67 and column 8 lines 1-57).

As per claim 46, Matsumoto discloses A service terminal having means for storing and managing electronic value handler for processing a transaction settlement with an electronic wallet having an electronic value;

said electronic value handler comprises:

a security information including an authentication key of the electronic value handler.(see column 1 lines 1-67 and column 2 lines 1-44 and column 3-7 lines 1-67 and column 8 lines 1-57) and a value property descriptor including a property information of the electronic value and defining the property of the electronic value for processing a transaction settlement;

a service control including at least one of service control module defining the transaction settlement;

wherein, a mutual authentication is performed with the electronic wallet by using said authentication key;

a service control message based on the service control module is embedded into the data transmitted to the electronic wallet at the time of the mutual authentication; and the service control module processes a service control message embedded into the data received from the electronic wallet at the time of the mutual authentication. (see column 1 lines 1-67 and column 2 lines 1-44 and column 3-7 lines 1-67 and column 8 lines 1-57).

As per claim 47, Matsumoto discloses wherein an electronic signature signed by the issuer of said electronic value is added to the electronic value handler. (see column 1 lines 1-67 and column 2 lines 1-44 and column 3-7 lines 1-67 and column 8 lines 1-57).

As per claim 48, Matsumoto discloses a method for generating electronic value for processing a transaction settlement, comprising the steps of:

generating a pair of keys including a private key specific to an electronic value and a public key corresponding to the private key and certificate of said public key;
generating a variable information that is updated by a transaction settlement processing and a fixed information that is not changed by a transaction settlement processing as information for defining a property of the electronic value; and
digitally signing said variable information with said private key. .(see column 1 lines 1-67 and column 2 lines 1-44 and column 3-7 lines 1-67 and column 8 lines 1-57).

As per claim 49, Matsumoto discloses further comprising the step of:
digitally signing said fixed information by the issuer of said electronic value. .(see column 1 lines 1-67 and column 2 lines 1-44 and column 3-7 lines 1-67 and column 8 lines 1-57).

As per claim 50, Matsumoto discloses further comprising the steps of:
generating a representation control information defining display of the electronic value,
generating a representation resource used for representing the electronic value, digitally signing the identifier information of the representation control information and the identifier information of the representation resource by the issuer of said electronic value. (see column 1 lines 1-67 and column 2 lines 1-44 and column 3-7 lines 1-67 and column 8 lines 1-57).

As per claim 51, Matsumoto discloses further comprising the steps of:
generating a service control information including at least one of service control module defining the transaction settlement and;
digitally signing the service control information by the issuer of said electronic value. .(see column 1 lines 1-67 and column 2 lines 1-44 and column 3-7 lines 1-67 and column 8 lines 1-57).

As per claim 52, Matsumoto discloses further comprising the steps of:
receiving a property of the electronic wallet receiving the electronic value generated;
generating a representation control information of the electronic value being capable of representation on the electronic wallet and the representation resource based on the property of the electronic wallet; and
digitally signing an identifier information of the representation control information and an

identifier information of the representation resource by the issuer of said electronic value. (see column 1 lines 1-67 and column 2 lines 1-44 and column 3-7 lines 1-67 and column 8 lines 1-57).

As per claim 53, Matsumoto discloses a communication terminal comprising: a first wireless communication means having a predetermined communication distance, a second wireless communication means having a communication distance that is longer than the communication distance of the first wireless communication means;

wherein, said first wireless communication means receives a setting information of the second wireless communication means from a device located at a position in which the device is capable of performing a communication with the first wireless communication means. (see column 1 lines 1-67 and column 2 lines 1-44 and column 3-7 lines 1-67 and column 8 lines 1-57)

said setting information includes an identifier information of the following wireless communication; and

said second wireless communication means performs an authentication processing with the device by using the identifier information of the following wireless communication and then, establishes a communication session with the device when the authentication processing is successful. (see column 1 lines 1-67 and column 2 lines 1-44 and column 3-7 lines 1-67 and column 8 lines 1-57).

As per claim 54, Matsumoto discloses wherein said first wireless communication means has directivity. (see column 1 lines 1-67 and column 2 lines 1-44 and column 3-7 lines 1-67 and column 8 lines 1-57).

As per claim 55, Matsumoto discloses wherein said setting data includes identifier information of the wireless communication means, and the wireless communication means appointed by the identifier information of the wireless communication means performs an authentication processing with the device by using the identifier information of the following wireless communication and then, establishes a communication session with the device when the authentication processing is successful

As per claim 56, Matsumoto discloses a communication terminal comprising:
a first wireless communication means having a predetermined communication distance;
a second wireless communication means having a communication distance that is longer than the communication distance of the first wireless communication means;
wherein, said first wireless communication means transmits a setting information of the second wireless communication means to a device located at a position in which the device is capable of performing a communication with the first wireless communication means; and
said setting information includes identifier information of the following wireless communication; and
said second wireless communication means, in response to a request to establish a communication session from the device, performs an authentication processing with the device by using the identifier information of the following wireless communication and then, establishes the communication session with the device when the authentication processing is successful. (see column 1 lines 1-67 and column 2 lines 1-44 and column 3-7 lines 1-67 and column 8 lines 1-57).

As per claim 57, Matsumoto discloses wherein said first wireless communication means has directivity. (see column 1 lines 1-67 and column 2 lines 1-44 and column 3-7 lines 1-67 and column 8 lines 1-57).

CONCLUSION

RESPONSE TO ARGUMENTS

5. Applicant's arguments filed 3/2/07 has been fully considered but they are moot in view of new grounds of rejections.

5. Applicant's claims 36, 43-44, , 46, 48, 56, states "DESCRIPTOR FOR DEFINING, INFORMATION FOR PROCESSING TRANSACTION, FOR DEFINING A PROPERTY, DEVICE CAPABLE OF PERFORMING "

However the subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the

language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) "adapted to" or "adapted for" clauses,
- (C) "wherein" clauses, or
- (D) "whereby" clauses.

This list of examples is not intended to be exhaustive. See also MPEP § 2111.04.

**>USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous.

Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process."<

Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. Toro Co. v. White Consolidated Industries Inc., 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a "lexicographic vacuum, but in the context of the specification and drawings."). Any special meaning

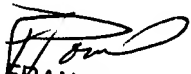
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assigned to a term "must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention." *Multiform Desiccants Inc. v. Medzam Ltd.*, 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998). See also MPEP § 2111.01.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


FRANTZY POINVIL
PRIMARY EXAMINER
Au 3692

CG

August 4, 2007